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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/695,636  | 10/24/2000  | Yuichiro Deguchi     | 203794US6           | 2784             |
| 22850   | 7590        | 04/10/2006           | EXAMINER            |                  |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      | HWANG, JOON H       |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2166                |                  |

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/695,636

Applicant(s)

DEGUCHI ET AL.

Examiner

Joon H. Hwang

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/2/06.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The applicants amended claim 1, 18, 32, 35, and 37-42 in the amendment received on 1/12/06.

The pending claims are 1-42.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 18, 32, 35, and 37-42 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3, 20, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

"those" in 5<sup>th</sup> line of claim 3, 5<sup>th</sup> line of claim 20, and 5<sup>th</sup> line of claim 33 is indefinite and not clear.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2, 4, 8-19, 21, 25-32, and 34-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Deguchi (U.S. Patent No. 6,578,047).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

With respect to claim 1, Deguchi teaches a searching system for searching contents that were broadcast, the searching system having an inputting unit (i.e., book marker 4 in fig. 2), a searching unit (i.e., book mark search engine 10 in fig. 2), and a terminal unit (i.e., gateway device 11 in fig. 2). Deguchi teaches the inputting unit (i.e., book marker 4 in fig. 2) comprises: first storing means for storing information representing at least time, but not station information, at which contents were broadcast corresponding to a predetermined operation, said at least time being identified while said contents is being broadcast (lines 13-23 in col. 2 and lines 36-40 in col. 4); and first communicating means for transmitting the information representing time stored in said storing means to an external unit (i.e., transmitting time information to the gateway device in fig. 2 and S14 in fig. 9). Deguchi teaches the searching unit (i.e., book mark

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search engine 10 in fig. 2) comprises: second storing means for correlatively storing information representing contents and broadcast time thereof (i.e., database 2 in fig. 2 and fig. 1); and searching means for searching information representing the contents stored in said second storing means corresponding to the information representing time (lines 24-33 in col. 2). Deguchi teaches the terminal unit (i.e., gateway device 11 in fig. 2) comprises: second communicating means for receiving the information representing time transmitted from the inputting unit through said first communicating means (i.e., transmitting time information to the gateway device in fig. 2 and S14 in fig. 9); third communicating means for transmitting the information representing time received by said second communicating means and receiving search results transmitted from the searching unit (i.e., transmitting time information from the gateway device to the search engine and receiving results from the search engine to the gateway device, fig. 2). Deguchi teaches first displaying means for displaying the information representing time received by said second communicating means, the search results by the searching unit, and an indicator for activation at the terminal unit to cause downloading of the contents associated with the search results (fig. 10).

With respect to claim 2, Deguchi teaches the information representing the contents includes information about the contents (fig. 1 and fig. 10).

With respect to claim 4, Deguchi teaches when a predetermined operation is performed with the terminal unit corresponding to the search results obtained by said searching means and displayed on said first displaying means, the terminal unit is

accessed to a site at which the contents as the search results is purchasable (lines 49-56 in col. 10 and lines 30-37 in col. 11).

With respect to claim 8, Deguchi teaches the terminal unit is an information terminal unit that is installed as a public unit (lines 35-40 in col. 5).

With respect to claim 9, Deguchi teaches the terminal unit is composed of a personal computer (lines 35-40 in col. 5).

With respect to claim 10, Deguchi teaches the contents are a musical piece (fig. 10 and lines 41-50 in col. 4).

With respect to claim 11, Deguchi teaches the terminal unit further comprises: audio reproducing means for reproducing audio data, and wherein when a predetermined operation is performed with the terminal unit corresponding to the search results searched by said searching means and displayed on said first displaying means, audio data corresponding to a musical piece as the search results is requested to the searching unit and the audio data transmitted from the searching unit is reproduced by said audio reproducing means (lines 30-37 in col. 11, lines 19-30 in col. 7, and lines 49-56 in col. 10).

With respect to claim 12, Deguchi teaches the contents are commodity information (lines 38-41 in col. 11).

With respect to claim 13, Deguchi teaches the searching unit further comprises: interface means for allowing information representing the contents stored in said second storing means and/or broadcast time of the contents to be changed from an external unit that has been properly filtered (lines 36-62 in col. 3 and fig. 2).

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With respect to claim 14, Deguchi teaches the inputting unit further comprises: program storing means for storing a control program that controls the inputting unit, and wherein the control program is transmitted from the terminal unit to the inputting unit by said first communicating means and said second communicating means and stored to said program storing means (lines 5-12 in col. 8).

With respect to claim 15, Deguchi teaches the control program is transmitted from the searching unit to the terminal unit by said third communicating means and then transmitted from the terminal unit to the inputting unit (lines 5-12 and 41-51 in col. 8).

With respect to claim 16, Deguchi teaches the terminal unit further comprises: connecting means for connecting the terminal unit to a predetermined network, and wherein the control program is transmitted to the terminal unit through the predetermined network connected to the terminal unit and then transmitted from the terminal unit to the inputting unit by said connecting means (lines 5-12 and 41-51 in col. 8).

With respect to claim 17, Deguchi teaches the terminal unit further comprises: reading means for reading data recorded on a predetermined record medium, and wherein the control program is read from the record medium by said reading means and transmitted to said inputting unit (lines 5-12 and 41-51 in col. 8 and fig. 12).

The limitations of claims 18, 32, and 35-42 are rejected in the analysis of claim 1 above, and these claims are rejected on that basis.

The limitation of claim 19 are rejected in the analysis of claim 2 above, and the claim is rejected on that basis.

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The limitation of claim 21 are rejected in the analysis of claim 4 above, and the claim is rejected on that basis.

The limitation of claim 25 are rejected in the analysis of claim 8 above, and the claim is rejected on that basis.

The limitation of claim 26 are rejected in the analysis of claim 9 above, and the claim is rejected on that basis.

The limitation of claims 27 and 34 are rejected in the analysis of claims 10 and 11 above, and these claims are rejected on that basis.

The limitation of claim 28 are rejected in the analysis of claim 14 above, and the claim is rejected on that basis.

The limitation of claim 29 are rejected in the analysis of claim 15 above, and the claim is rejected on that basis.

The limitation of claim 30 are rejected in the analysis of claim 16 above, and the claim is rejected on that basis.

The limitation of claim 31 are rejected in the analysis of claim 17 above, and the claim is rejected on that basis.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



8. Claims 3, 20, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi (U.S. Patent No. 6,578,047) in view of Yoshinobu et al. (U.S. Patent No. 5,686,954).

With respect to claim 3, Deguchi discloses the claimed subject matter as discussed above except second contents are multiple of first contents. However, Yoshinobu discloses a searching capabilities and displaying first contents and second contents in a broadcast program and wherein the second contents are multiple of first contents (fig. 15, fig. 16, fig. 17, lines 9-16 and 59-62 in col. 5, lines 2-16 in col. 16, and lines 12-23 in col. 23) in order to show broadcasting times with respect to the searched contents. Therefore, based on Deguchi in view of Yoshinobu, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Yoshinobu to the system of Deguchi in order to show broadcasting times in a broadcasting program schedule with respect to the searched content.

The limitation of claims 20 and 30 are rejected in the analysis of claim 3 above, and these claims are rejected on that basis.

9. Claims 5-7 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi (U.S. Patent No. 6,578,047) in view of Dow et al. (U.S. Publication No. 2002/0054119).

With respect to claim 5, Deguchi discloses the claimed subject matter as discussed above except a transmission of data being virtually displayed. However, Dow

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teaches a transmission of information from a source device to a target device is virtually displayed (fig. 10 and section 52 on page 5) in order to provide a user the transmission status information visually. Therefore, based on Deguchi in view of Dow, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Dow to the system of Deguchi in order to provide a graphical status information to a user.

With respect to claim 6, Deguchi teaches the inputting unit further comprising second displaying means (fig. 5). Deguchi teaches the terminal unit can be modified to include functionalities of the inputting unit, such as storing time information upon an action of a user (line 61 in col. 11 thru line 16 in col. 12). Deguchi does not explicitly disclose displaying entries of information representing time stored in the first storing means of the inputting unit. However, Dow teaches displaying entries of information stored in a memory, wherein a display of entries can be graphically increased or decreased based on an amount of data stored in the memory, and correlating the virtual display of a source device with the virtual display of a target device (fig. 8 and section 41 on page 4). Therefore, the limitations of claim 6 are rejected in the analysis of claim 5 above, and the claim is rejected on that basis.

The limitations of claim 7 are rejected in the analysis of claim 6 above, and the claim is rejected on that basis.

The limitation of claim 22 are rejected in the analysis of claim 5 above, and the claim is rejected on that basis.

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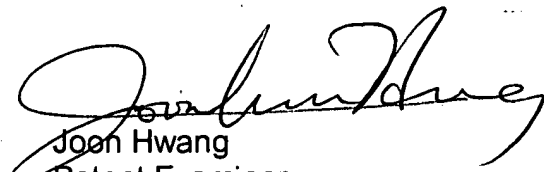
The limitation of claim 23 are rejected in the analysis of claim 6 above, and the claim is rejected on that basis.

The limitation of claim 24 are rejected in the analysis of claim 7 above, and the claim is rejected on that basis.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 571-272-4036. The examiner can normally be reached on 9:30-6:00(M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Joon Hwang  
Patent Examiner  
Technology Center 2100

3/31/06